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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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APR 16 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Amendment of the Commission's Rules)
to Provide for Operation of Unlicensed NII)
Devices in the 5 GHz Frequency Range)

ET Docket No. 96-102
RM-8648
RM-8653

REPLY OF L/Q LICENSEE, INC.

Pursuant to Section 1.429 of the Commission's Rules, L/Q Licensee, Inc. (LQL) hereby submits its "Reply" to the comments of the Wireless Information Networks Forum ("WINForum") regarding the petitions for reconsideration in this docket.¹ In the U-NII Order, the Commission adopted rules to permit operation of unlicensed devices in the 5150-5250 MHz/5250-5350 MHz/5725-5825 MHz bands. Petitions for reconsideration of this order were filed by Hewlett-Packard Company ("HPC"), WINForum, and Apple Computer, Inc. LQL filed a "Consolidated Opposition" to the HPC and WINForum petitions on April 1, 1997.

HPC's petition sought an increase in power for U-NII devices operating in the 5150-5250 MHz band. As LQL demonstrated in its "Consolidated Opposition," HPC's petition is procedurally defective and substantively unjustifiable. HPC offered no valid reason for the Commission to increase the permissible power for operation of U-NII devices in the 5150-5250 MHz band. AirTouch

¹ See Amendment of the Commission's Rules to Provide for Operation of Unlicensed NII Devices in the 5 GHz Frequency Range, FCC 97-5 (released Jan. 9, 1997) ("U-NII Order").

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Communications, Inc., COMSAT Corporation and ICO Global Communications, Inc., filed oppositions which similarly rebutted HPC's petition.

On April 1, 1997, WINForum filed comments in support of HPC's petition, and attached copies of three documents, which it claims support increased power for devices operating in the 5150-5250 MHz band: (1) Donald Johnson's "Average Antenna Gain for NII/SUPERNet Devices," (2) Jay Padgett's "Average Antenna Gain of Part 15 Devices as Seen by a Low Earth Orbit Satellite," and (3) "Effect of NII/SUPERNet Device Deployment on Globalstar™ Capacity". Based on these documents, WINForum claims that U-NII devices operating at up to 250 mW transmitter output power with 6 dBi of antenna gain would not cause harmful interference to MSS feeder links.

WINForum's comments can and should be disregarded. Each of the documents submitted by WINForum has been previously submitted to the record of this proceeding.² Thus, all three were part of the record on which the Commission based its decision to adopt very low power levels for U-NII devices in the 5150-5250 MHz band and to impose an indoor use requirement.³ In their post-decision pleadings, neither HPC nor WINForum has offered any valid reason to revisit this decision. WINForum's analyses have already been considered by the

² The first two were submitted with an ex parte filing by WINForum on Dec. 6, 1996. See Letter from Eric W. DeSilva to William F. Caton (Dec. 6, 1996). The third was submitted with an ex parte filing by WINForum on Dec. 23, 1996. See Letter from Eric W. DeSilva to William F. Caton (Dec. 23, 1996).

³ See 47 C.F.R. §§ 15.407(a)(1), (d-e).

Commission on these issues, and provide no basis to change the power levels adopted in the U-NII Order. Indeed, significant flaws in the analysis contained in the third document referenced above were explained in a joint letter filed by AirTouch, COMSAT, ICO and LQL on January 2, 1997.

Accordingly, for the reasons set forth in LQL's Comments (filed July 15, 1996), Reply Comments (filed August 14, 1996), and Consolidated Opposition (filed April 1, 1997), the Commission should deny HPC's Petition for Reconsideration.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, William D. Wallace, hereby certify that I have on this 16th day of April, 1997, caused to be served true and correct copies of the foregoing "Reply of L/Q Licensee, Inc." upon the following parties via hand-delivery (indicated by a *) or first-class United States mail, postage prepaid:

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